



94TH GENERAL ASSEMBLY

State of Illinois

2005 and 2006

SB0444

Introduced 2/16/2005, by Sen. Dale A. Righter

SYNOPSIS AS INTRODUCED:

30 ILCS 105/8.3

from Ch. 127, par. 144.3

Amends the State Finance Act. Provides that, for fiscal year 2006 and thereafter, no Road Fund moneys may be appropriated to the Department of Central Management Services, the Department of Employment Security, the Department of Revenue, the Court of Claims, or any other State agency (other than the Department of State Police and the Department of Transportation and, until fiscal year 2008, the Secretary of State). Provides that, beginning with fiscal year 2008 and thereafter, no Road Fund moneys may be appropriated to the Secretary of State. Provides that Road Fund moneys appropriated to the Secretary of State may not exceed \$32,200,000 in FY06 and \$16,100,000 in FY07 (now, \$30,500,000 for FY06 and thereafter). Effective immediately.

LRB094 08428 BDD 38630 b

FISCAL NOTE ACT
MAY APPLY

1 AN ACT concerning finance.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The State Finance Act is amended by changing
5 Section 8.3 as follows:

6 (30 ILCS 105/8.3) (from Ch. 127, par. 144.3)

7 Sec. 8.3. Money in the Road Fund shall, if and when the
8 State of Illinois incurs any bonded indebtedness for the
9 construction of permanent highways, be set aside and used for
10 the purpose of paying and discharging annually the principal
11 and interest on that bonded indebtedness then due and payable,
12 and for no other purpose. The surplus, if any, in the Road Fund
13 after the payment of principal and interest on that bonded
14 indebtedness then annually due shall be used as follows:

15 first -- to pay the cost of administration of Chapters
16 2 through 10 of the Illinois Vehicle Code, except the cost
17 of administration of Articles I and II of Chapter 3 of that
18 Code; and

19 secondly -- for expenses of the Department of
20 Transportation for construction, reconstruction,
21 improvement, repair, maintenance, operation, and
22 administration of highways in accordance with the
23 provisions of laws relating thereto, or for any purpose
24 related or incident to and connected therewith, including
25 the separation of grades of those highways with railroads
26 and with highways and including the payment of awards made
27 by the Illinois Workers' Compensation Commission under the
28 terms of the Workers' Compensation Act or Workers'
29 Occupational Diseases Act for injury or death of an
30 employee of the Division of Highways in the Department of
31 Transportation; or for the acquisition of land and the
32 erection of buildings for highway purposes, including the

1 acquisition of highway right-of-way or for investigations
2 to determine the reasonably anticipated future highway
3 needs; or for making of surveys, plans, specifications and
4 estimates for and in the construction and maintenance of
5 flight strips and of highways necessary to provide access
6 to military and naval reservations, to defense industries
7 and defense-industry sites, and to the sources of raw
8 materials and for replacing existing highways and highway
9 connections shut off from general public use at military
10 and naval reservations and defense-industry sites, or for
11 the purchase of right-of-way, except that the State shall
12 be reimbursed in full for any expense incurred in building
13 the flight strips; or for the operating and maintaining of
14 highway garages; or for patrolling and policing the public
15 highways and conserving the peace; or for the operating
16 expenses of the Department relating to the administration
17 of public transportation programs; or for any of those
18 purposes or any other purpose that may be provided by law.

19 Appropriations for any of those purposes are payable from
20 the Road Fund. Appropriations may also be made from the Road
21 Fund for the administrative expenses of any State agency that
22 are related to motor vehicles or arise from the use of motor
23 vehicles.

24 ~~For Beginning with~~ fiscal year 1980 and thereafter, no Road
25 Fund monies shall be appropriated to the following Departments
26 or agencies of State government for administration, grants, or
27 operations; but this limitation is not a restriction upon
28 appropriating for those purposes any Road Fund monies that are
29 eligible for federal reimbursement;

30 1. Department of Public Health;

31 2. Department of Transportation, only with respect to
32 subsidies for one-half fare Student Transportation and
33 Reduced Fare for Elderly;

34 3. Department of Central Management Services, except
35 for expenditures incurred for group insurance premiums of
36 appropriate personnel;

1 4. Judicial Systems and Agencies.

2 Beginning with fiscal year 1981 and thereafter, no Road
3 Fund monies shall be appropriated to the following Departments
4 or agencies of State government for administration, grants, or
5 operations; but this limitation is not a restriction upon
6 appropriating for those purposes any Road Fund monies that are
7 eligible for federal reimbursement:

8 1. Department of State Police, except for expenditures
9 with respect to the Division of Operations;

10 2. Department of Transportation, only with respect to
11 Intercity Rail Subsidies and Rail Freight Services.

12 Beginning with fiscal year 1982 and thereafter, no Road
13 Fund monies shall be appropriated to the following Departments
14 or agencies of State government for administration, grants, or
15 operations; but this limitation is not a restriction upon
16 appropriating for those purposes any Road Fund monies that are
17 eligible for federal reimbursement: Department of Central
18 Management Services, except for awards made by the Illinois
19 Workers' Compensation Commission under the terms of the
20 Workers' Compensation Act or Workers' Occupational Diseases
21 Act for injury or death of an employee of the Division of
22 Highways in the Department of Transportation.

23 ~~For Beginning with~~ fiscal year 1984 and thereafter, no Road
24 Fund monies shall be appropriated to the following Departments
25 or agencies of State government for administration, grants, or
26 operations; but this limitation is not a restriction upon
27 appropriating for those purposes any Road Fund monies that are
28 eligible for federal reimbursement:

29 1. Department of State Police, except not more than 40%
30 of the funds appropriated for the Division of Operations;

31 2. State Officers.

32 Beginning with fiscal year 1984 and thereafter, no Road
33 Fund monies shall be appropriated to any Department or agency
34 of State government for administration, grants, or operations
35 except as provided hereafter; but this limitation is not a
36 restriction upon appropriating for those purposes any Road Fund

1 monies that are eligible for federal reimbursement. It shall
2 not be lawful to circumvent the above appropriation limitations
3 by governmental reorganization or other methods.
4 Appropriations shall be made from the Road Fund only in
5 accordance with the provisions of this Section.

6 Money in the Road Fund shall, if and when the State of
7 Illinois incurs any bonded indebtedness for the construction of
8 permanent highways, be set aside and used for the purpose of
9 paying and discharging during each fiscal year the principal
10 and interest on that bonded indebtedness as it becomes due and
11 payable as provided in the Transportation Bond Act, and for no
12 other purpose. The surplus, if any, in the Road Fund after the
13 payment of principal and interest on that bonded indebtedness
14 then annually due shall be used as follows:

15 first -- to pay the cost of administration of Chapters
16 2 through 10 of the Illinois Vehicle Code; and

17 secondly -- no Road Fund monies derived from fees,
18 excises, or license taxes relating to registration,
19 operation and use of vehicles on public highways or to
20 fuels used for the propulsion of those vehicles, shall be
21 appropriated or expended other than for costs of
22 administering the laws imposing those fees, excises, and
23 license taxes, statutory refunds and adjustments allowed
24 thereunder, administrative costs of the Department of
25 Transportation, including, but not limited to, the
26 operating expenses of the Department relating to the
27 administration of public transportation programs, payment
28 of debts and liabilities incurred in construction and
29 reconstruction of public highways and bridges, acquisition
30 of rights-of-way for and the cost of construction,
31 reconstruction, maintenance, repair, and operation of
32 public highways and bridges under the direction and
33 supervision of the State, political subdivision, or
34 municipality collecting those monies, and the costs for
35 patrolling and policing the public highways (by State,
36 political subdivision, or municipality collecting that

1 money) for enforcement of traffic laws. The separation of
2 grades of such highways with railroads and costs associated
3 with protection of at-grade highway and railroad crossing
4 shall also be permissible.

5 Appropriations for any of such purposes are payable from
6 the Road Fund or the Grade Crossing Protection Fund as provided
7 in Section 8 of the Motor Fuel Tax Law.

8 Except as provided in this paragraph, beginning with fiscal
9 year 1991 and thereafter, no Road Fund monies shall be
10 appropriated to the Department of State Police for the purposes
11 of this Section in excess of its total fiscal year 1990 Road
12 Fund appropriations for those purposes unless otherwise
13 provided in Section 5g of this Act. For fiscal years 2003,
14 2004, and 2005 only, no Road Fund monies shall be appropriated
15 to the Department of State Police for the purposes of this
16 Section in excess of \$97,310,000. It shall not be lawful to
17 circumvent this limitation on appropriations by governmental
18 reorganization or other methods unless otherwise provided in
19 Section 5g of this Act.

20 In fiscal year 1994, no Road Fund monies shall be
21 appropriated to the Secretary of State for the purposes of this
22 Section in excess of the total fiscal year 1991 Road Fund
23 appropriations to the Secretary of State for those purposes,
24 plus \$9,800,000. It shall not be lawful to circumvent this
25 limitation on appropriations by governmental reorganization or
26 other method.

27 Beginning with fiscal year 1995 and thereafter, no Road
28 Fund monies shall be appropriated to the Secretary of State for
29 the purposes of this Section in excess of the total fiscal year
30 1994 Road Fund appropriations to the Secretary of State for
31 those purposes. It shall not be lawful to circumvent this
32 limitation on appropriations by governmental reorganization or
33 other methods.

34 Beginning with fiscal year 2000, total Road Fund
35 appropriations to the Secretary of State for the purposes of
36 this Section shall not exceed the amounts specified for the

1 following fiscal years:

2	Fiscal Year 2000	\$80,500,000;
3	Fiscal Year 2001	\$80,500,000;
4	Fiscal Year 2002	\$80,500,000;
5	Fiscal Year 2003	\$130,500,000;
6	Fiscal Year 2004	\$130,500,000;
7	Fiscal Year 2005	\$130,500,000;
8	<u>Fiscal Year 2006</u>	<u>\$32,200,000;</u>
9	<u>Fiscal Year 2007</u>	<u>\$16,100,000;</u>
10	<u>Fiscal Year 2008 and thereafter</u>	<u>\$0.</u>
11	Fiscal Year 2006 and	
12	each year thereafter	\$30,500,000.

13 It shall not be lawful to circumvent this limitation on
 14 appropriations by governmental reorganization or other
 15 methods.

16 No new program may be initiated in fiscal year 1991 and
 17 thereafter that is not consistent with the limitations imposed
 18 by this Section for fiscal year 1984 and thereafter, insofar as
 19 appropriation of Road Fund monies is concerned.

20 Nothing in this Section prohibits transfers from the Road
 21 Fund to the State Construction Account Fund under Section 5e of
 22 this Act; nor to the General Revenue Fund, as authorized by
 23 this amendatory Act of the 93rd General Assembly.

24 The additional amounts authorized for expenditure in this
 25 Section by Public Acts 92-0600 and 93-0025 shall be repaid to
 26 the Road Fund from the General Revenue Fund in the next
 27 succeeding fiscal year that the General Revenue Fund has a
 28 positive budgetary balance, as determined by generally
 29 accepted accounting principles applicable to government.

30 The additional amounts authorized for expenditure by the
 31 Secretary of State and the Department of State Police in this
 32 Section by this amendatory Act of the 93rd General Assembly
 33 shall be repaid to the Road Fund from the General Revenue Fund
 34 in the next succeeding fiscal year that the General Revenue
 35 Fund has a positive budgetary balance, as determined by
 36 generally accepted accounting principles applicable to

1 government.

2 For fiscal year 2006 and thereafter, no Road Fund moneys
3 may be appropriated to the Department of Central Management
4 Services, the Department of Employment Security, the
5 Department of Revenue, the Court of Claims, or any other State
6 agency (other than the Department of State Police and the
7 Department of Transportation and, until fiscal year 2008, the
8 Secretary of State) for the purposes of this Section.
9 Appropriations to those entities for those purposes shall,
10 instead, be made from the General Revenue Fund. It shall not be
11 lawful to circumvent this limitation on appropriations by
12 governmental reorganization or other methods. Nothing in this
13 paragraph prohibits appropriations from the Road Fund to the
14 Department of State Police for the purposes of the highway
15 patrol budget only.

16 For fiscal year 2008 and thereafter, no Road Fund moneys
17 may be appropriated to the Secretary of State for the purposes
18 of this Section. Appropriations to the Secretary of State for
19 those purposes shall, instead, be made from the General Revenue
20 Fund. It shall not be lawful to circumvent this limitation on
21 appropriations by governmental reorganization or other
22 methods.

23 (Source: P.A. 92-600, eff. 6-28-02; 93-25, eff. 6-20-03;
24 93-721, eff. 1-1-05; 93-839, eff. 7-30-04; revised 10-25-04.)

25 Section 99. Effective date. This Act takes effect upon
26 becoming law.